

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

CHERYL MORRIS)	
Claimant)	
VS.)	
)	
EASTON MANUFACTURING COMPANY, INC.)	Docket No. 202,631
Respondent)	
AND)	
)	
ROYAL INSURANCE COMPANY OF AMERICA)	
Insurance Carrier)	

ORDER

Claimant requested review of the preliminary hearing Order entered by Administrative Law Judge John D. Clark on May 2, 1996.

ISSUES

The Administrative Law Judge denied claimant's request for benefits. In the Order, the Administrative Law Judge wrote:

"This Court is familiar with the theories and opinions of Charles Hinshaw, M.D. His opinions are not credible and are disregarded.

"This Court adopts the opinions of Daniel C. Doornbos, M.D. All benefits are denied."

In her brief, claimant contends the issue to be determined is whether claimant's injuries arose out of and in the course of her employment with the respondent.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record, for preliminary hearing purposes the Appeals Board finds:

The preliminary hearing Order of the Administrative Law Judge should be affirmed.

Claimant alleges she has either developed or aggravated a condition diagnosed by Charles T. Hinshaw, Jr., M.D., as multiple chemical sensitivity. The Appeals Board agrees with the Administrative Law Judge that claimant should be denied benefits at this juncture of the proceeding because the evidence fails to establish that claimant has either sustained a work-related accidental injury or has acquired an occupational disease.

As Daniel C. Doornbos, M.D., wrote in his report dated September 20, 1995,

"1) Relating to the first three questions you asked, I do not believe this episode that the patient experienced had anything to do with environmental conditions at her job per se. From everything I can determine, the "exposure" that she had was of a fairly non-noxious material which is no worse than is experienced by thousands of people in offices all over the country and is not generally felt to be a marked respiratory irritant. Also, the exaggerated degree of the response and the fact that it has persisted weeks and even months after the exposure, makes it very unlikely that it was a cause and effect thing or that there was anything directly harmful to the patient in her work environment at all.

. . . .

"Although I did not directly answer each of the eight numbered questions that you raised in your letter, I hope it is fairly clear that I do not in any way think that the patient was permanently harmed by her encounter on the job and I am at a loss to explain by any physical disease the symptoms which she is now alleging."

As did the Administrative Law Judge, the Appeals Board finds the opinions of Dr. Doornbos to be persuasive.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the preliminary hearing Order entered by Administrative Law Judge John D. Clark dated May 2, 1996, should be, and hereby is, affirmed.

IT IS SO ORDERED.

Dated this ____ day of July 1996.

BOARD MEMBER

c: Joseph Seiwert, Wichita, KS
Clifford Stubbs, Lenexa, KS
John D. Clark, Administrative Law Judge
Philip S. Harness, Director